APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,689	05/08/2001	Steven Soloff	PD-201017A	3251

20991 7590 08/02/2006	EXAMINER	
THE DIRECTV GROUP INC	BELIVEAU, SCOTT E	
PATENT DOCKET ADMINISTRATION RE/R11/A109		
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EL SEGUNDO, CA 90245-0956	2623	

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/851,689	SOLOFF, STEVEN
	Examiner	Art Unit	
	Scott Beliveau	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,6,8-13,15,17,19-26,28-30 and 32-35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,6,8-13,15,17,19-26,28-30 and 32-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Miscellaneous

1.   Please note that the examination art unit for this application has changed to 2623.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn

pursuant to 37 CFR 1.114. Applicant's submission filed on 15 May 2006 has been entered.

Priority

3.   The examiner acknowledges applicant's withdrawal to the priority claim to application

serial No. 60/268,481. Accordingly, the application shall be examined based on applicant's

filling date unless the applicant's indicates that the claim to priority should be revived at a

later time.

Response to Arguments

4.   Applicant's arguments with respect to claims 1, 12, 23, and 25 have been considered but

are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 1, 2, 4, 6, 8-13, 15, 17, 19-26, 28-30, and 32-35 are rejected under 35 U.S.C.

103(a) as being unpatentable over Aras et al. (US Pat No. 5,872,558) in view of Laubach et

al. (US Pat No. 5,870,134).

Claim 1 is rejected wherein Figure 1B of Aras et al. illustrates a "system for identifying

and processing satellite based television usage and navigational data". In particular the

system comprises "means for generating informative scenes . . . transmitted in satellite

broadcasts" [101] such as those associated with television commercials or other traditional

television programming including news (Col 6, Lines 45-54). These "informative scenes"

are subsequently received by a home station [111]. The home station comprises a "means for

displaying said scenes on a viewing device located at a user location" [1563] (Col 24, Lines

29-43) and a subscriber monitoring program [1555] comprising a "means for identifying each

discrete scene, means for determining when a user transitions from a first informative scene

to a subsequent informative scene" (Figures 6C and 6D), a "means for recording the identify

of each scene being viewed by the user and the time of day and duration of said viewing at

the time of said user transition, thereby creating a navigational log record" (Figures 10-13;

Col 7, Lines 59-67; Col 15, Line 1 – Col 16, Line 33; Col 20, Lines 15-40), a "means for

storing said navigation log record in a memory storage device" [1706] (Col 16, Lines 34-51;

Col 16, Line 60 – Col 17, Line 22), and a "means for periodically transmitting said

navigational log record stored in said permanent memory storage device to a remote

processing location" (Col 17, Lines 57-62; Col 26, Line 44 – Col 27, Line 8). The "means

for storing said navigational log record [further] includes means for temporarily storing said

log record in a temporary memory storage device" [1719] and "means for transmitting the

contents of said temporary memory storage device to a permanent memory storage device"

[1711] (Figure 17; Col 16, Lines 46-51; Col 26, Lines 1-20).

While the Aras et al. reference discloses the particular usage of communication controller

[1557] described as a cable modem or other device for communicating viewer behavior

information upstream, the reference is silent with respect to the cable modem or other device

for upstream communication being a wireless data transfer' such that the "transmitting means

is via a wireless data transfer". In an analogous art pertaining to the field of television

distribution systems, the Laubach et al. reference provides evidence as to a "wireless data

transfer" or wireless cable modem that is utilized to wirelessly transfer data upstream (Col 2,

Line 44 – Col 3, Line 6; Col 7, Lines 7-10). Accordingly, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to modify Aras et al. such

that the "transmitting means is via a wireless data transfer" for the purpose of providing an

efficient, transparent, and cost-effective approach for implementing two-way video

distribution systems (Laubach et al.: Col 2, Lines 29-41) that further supports the upstream

communication of monitoring information associated with satellite based television usage

(Aras et al.: Col 2, Lines 52-56).

Claim 2 is rejected wherein the system further comprises "means for determining the geographical location of the user viewing said scene" (Aras et al.: Col 12, Line 55 – Col 13, Line 23; Col 17, Lines 30-38).

Claim 4 is rejected wherein "said permanent memory storage device is comprised of FLASH memory" (Aras et al.: Col 26, Lines 16-20).

Claim 6 is rejected wherein "said transmitting means is a modem" (Aras et al.: Col 17, Lines 42-43).

Claim 8 is rejected wherein the "means for temporarily storing said navigational log record includes means for determining if a scene's navigational log record has already been recorded" (Aras et al.: Col 16, Lines 17-21), "means for determining if the capacity of said permanent memory device has been reached, and means for reallocating, if necessary, an array of stored informative scene identities to create space for an additional navigational log" (Aras et al.: Col 14, Lines 25-53; Col 17, Lines 43-56).

Claim 9 is rejected wherein "said means for transmitting the contents of said temporary memory storage device occurs at a predetermined time" (Aras et al.: Col 16, Lines 46-51).

Claim 10 is rejected wherein the "means for transmitting the contents of said temporary memory storage device includes means for opening an index and database file in said permanent memory storage device, means for determining a next available write location in said database file, and means for writing each entry in said navigational log record into said database file" in accordance with the buffering, processing, and storage of database records in the structured data array associated with non-volatile storage (Aras et al.: Col 14, Lines 38-43).

Claim 11 is rejected wherein the system further comprises "means for recording the latest

recorded navigational log record into a database file even when the storage capacity of said

permanent memory storage device has been attained". In particular, Aras et al. teaches that

once the permanent memory storage device [1711] becomes full, it transmits its contents

upstream and deletes the remaining records (Col 17, Lines 1-16 and 47-50). Subsequently,

the system continues processing/storing navigation records and is capable of "recording the

latest recorded navigational log record" into the newly emptied/created database subsequent

to the storage capacity of the permanent storage having been attained.

Claim 12 is rejected wherein Figure 1B of Aras et al. illustrates a system which

implements a "method for identifying and processing satellite based television usage and

navigational data". In particular the system comprises "means for generating informative

scenes . . . transmitted in satellite broadcasts" [101] such as those associated with television

commercials or other traditional television programming including news (Col 6, Lines 45-

54). These "informative scenes" are subsequently received by a home station [111] and

"displayed . . . on a viewing device located at a user location" [1563] (Col 24, Lines 29-43).

A subscriber monitoring program [1555] subsequently "determines when a user transitions

from a first informative scene to a subsequent informative scene" (Figures 6C and 6D),

"identifies each discrete scene being viewed by the user and the time of day and duration of

said viewing at the time of said user transition, thereby creating a navigational log record"

(Figures 10-13; Col 15, Line 1 – Col 16, Line 33; Col 20, Lines 15-40), "stores said

navigation log record in a memory storage device" [1706] (Col 16, Lines 34-51; Col 16,

Line 60 – Col 17, Line 22) and "periodically transmit[s] said navigational log record stored

in said permanent memory storage device to a remote processing location" (Col 17, Lines 57-62; Col 26, Line 44 – Col 27, Line 8). The step of storing further includes "temporarily storing said log record in a temporary memory storage device" [1719] and "transmitting the contents of said temporary memory storage device to a permanent memory storage device" [1711] (Figure 17; Col 16, Lines 46-51; Col 26, Lines 1-20).

While the Aras et al. reference discloses the particular usage of communication controller [1557] described as a cable modem or other device for communicating viewer behavior information upstream, the reference is silent with respect to the cable modem or other device for upstream communication being a wireless data transfer' such that the "step of transmitting said navigational log record to said remote processing center is via wireless data transfer". In an analogous art pertaining to the field of television distribution systems, the Laubach et al. reference provides evidence as to a "wireless data transfer" or wireless cable modem that is utilized to wirelessly transfer data upstream (Col 2, Line 44 – Col 3, Line 6; Col 7, Lines 7-10). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Aras et al. to such that the "step of transmitting said navigational log record to said remote processing center is via wireless data transfer" for the purpose of providing an efficient, transparent, and cost-effective approach for implementing two-way video distribution systems (Laubach et al.: Col 2, Lines 29-41) that further supports the upstream communication of monitoring information associated with satellite based television usage (Aras et al.: Col 2, Lines 52-56).

Claim 13 is rejected wherein the system further "determines the geographical location of the user viewing said scene" (Aras et al.: Col 12, Line 55 – Col 13, Line 23; Col 17, Lines 30-38).

Claim 15 is rejected wherein "said permanent memory storage device is comprised of FLASH memory" (Aras et al.: Col 26, Lines 16-20).

Claim 17 is rejected wherein "said step of transmitting . . . is via a modem" (Aras et al.: Col 17, Lines 42-43).

Claim 19 is rejected wherein the "step of temporarily storing said navigational log record includes determining if a scene's navigational log record has already been recorded" (Col 16, Lines 17-21), "determining if the capacity of said permanent memory device has been reached, and reallocating, if necessary, an array of stored informative scene identities to create space for an additional navigational log" (Aras et al.: Col 14, Lines 25-53; Col 17, Lines 43-56).

Claim 20 is rejected wherein the "step for transmitting the contents of said temporary memory storage device occurs at a predetermined time" (Aras et al.: Col 16, Lines 46-51).

Claim 21 is rejected wherein the "step of transmitting the contents of said temporary memory storage device includes opening an index and database file in said permanent memory storage device, determining a next available write location in said database file, and writing each entry in said navigational log record into said database file" in accordance with the buffering, processing, and storage of database records in the structured data array associated with non-volatile storage (Aras et al.: Col 14, Lines 38-43).

Claim 22 is rejected wherein the system further comprises the "step of recording the latest recorded navigational log record into said database file even when the storage capacity of said permanent memory storage device has been attained". In particular, Aras et al. teaches that once the permanent memory storage device [1711] becomes full, it transmits its contents upstream and deletes the remaining records (Col 17, Lines 1-16 and 47-50). Subsequently, the system continues processing/storing navigation records and is capable of "recording the latest recorded navigational log record" into the newly emptied/created database subsequent to the storage capacity of the permanent storage having been attained.

Claim 23 is rejected in light of the rejection of claim 1 wherein Figure 1B of Aras et al. illustrates a "satellite-based communications network for identifying and processing satellite based television usage and navigational data". Turning to Figure 1B, the system comprises a "broadcast center for broadcasting information" [123], "one or more communication satellites for receiving said broadcasting information" [115], "user receiving means situated within said satellite's coverage area to receive said broadcast information" [111] and a "viewing device connected to said user receiving means" [1563]. The home station [111] comprises "video image selection means for providing a user with a means of transitioning from one informative scene to a subsequent informative scene, wherein said video image comprises said broadcast information" [1551] and "means for compiling user navigational data" [1555] (Col 6, Lines 45-54; Col 24, Line 29 – Col 26, Line 32) wherein "said navigational data includes the identification of the scene being viewed, the time the user is viewing said scene, the length of time of said viewing, and the location of the user viewing said scene" (Figures 10-14; Col 17, Line 57 – Col 18, Line 9; Col 20, Lines 15-40).

As previously discussed, the Aras et al. reference is silent with respect to "means for periodically transmitting said stored navigational log record to a remote processing location via a wireless data transfer". In an analogous art pertaining to the field of television distribution systems, the Laubach et al. reference provides evidence as to a "wireless data transfer" or wireless cable modem that is utilized to wirelessly transfer data upstream (Col 2, Line 44 – Col 3, Line 6; Col 7, Lines 7-10). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Aras et al. to comprises "means for periodically transmitting said stored navigational log record to a remote processing location via a wireless data transfer" for the purpose of providing an efficient, transparent, and cost-effective approach for implementing two-way video distribution systems (Laubach et al.: Col 2, Lines 29-41) that further supports the upstream communication of monitoring information associated with satellite based television usage (Aras et al.: Col 2, Lines 52-56).

Claim 24 is rejected wherein the system further comprises "means for periodically transmitting said navigational log record stored in said permanent memory storage device to a remote processing location" (Col 17, Lines 57-62; Col 26, Line 44 – Col 27, Line 8).

Claim 25 is rejected wherein Aras et al. discloses a "computer program stored in a computer readable medium embodying instructions to perform a method of tracking satellite-based television usage characteristics" (Col 26, Line 33-41). In particular, the method comprises "determining when a user transitions from a first informative scene being displayed on a user's viewing device to a subsequent informative scene displayed upon said viewing device, wherein said scenes comprise information transmitted in satellite television

broadcasts" (Col 6, Lines 45-54; Col 24, Lines 29-43; Figures 6C and 6D), "identifying said

scene being viewed by the user and the time of day and duration of said viewing at the time

of said user transition, thereby creating a navigational log record" (Figures 10-13; Col 15,

Line 1 – Col 16, Line 33; Col 20, Lines 15-40), "storing said navigation log record, where

said computer program labels the log record as a PAGEHIT, in a memory storage device"

[1706] indicative of the user having viewed/watched a particular scene (Col 16, Lines 34-51;

Col 16, Line 60 – Col 17, Line 22), and "periodically transmitting said navigational log

record stored in said permanent memory storage device to a remote processing location" (Col

17, Lines 57-62; Col 26, Line 44 – Col 27, Line 8). The "step of storing said navigational

log record [further] includes temporarily storing said log record in a temporary memory

storage device" [1719] and "utilizing a subroutine, FLUSHLOG, to transmit the contents of

said temporary memory storage device to a permanent memory storage device" [1711]

(Figure 17; Col 16, Lines 46-51; Col 26, Lines 1-20).

While the Aras et al. reference discloses the particular usage of communication controller

[1557] described as a cable modem or other device for communicating viewer behavior

information upstream, the reference is silent with respect to the cable modem or other device

for upstream communication being a wireless data transfer' such that the "step of

transmitting said navigational log record to said remote processing center is via wireless data

transfer". In an analogous art pertaining to the field of television distribution systems, the

Laubach et al. reference provides evidence as to a "wireless data transfer" or wireless cable

modem that is utilized to wirelessly transfer data upstream (Col 2, Line 44 – Col 3, Line 6;

Col 7, Lines 7-10). Accordingly, it would have been obvious to one having ordinary skill in

the art at the time the invention was made to modify Aras et al. to such that the "step of

transmitting said navigational log record to said remote processing center is via wireless data

transfer" for the purpose of providing an efficient, transparent, and cost-effective approach

for implementing two-way video distribution systems (Laubach et al.: Col 2, Lines 29-41)

that further supports the upstream communication of monitoring information associated with

satellite based television usage (Aras et al.: Col 2, Lines 52-56).

Claim 26 is rejected wherein the system further comprises the "step of determining the

geographical location of the user viewing said scene" (Aras et al.: Col 12, Line 55 – Col 13,

Line 23; Col 17, Lines 30-38).

Claim 28 is rejected wherein "said permanent memory storage device is comprised of

FLASH memory" (Aras et al.: Col 26, Lines 16-20).

Claim 30 is rejected wherein the "step of transmitting . . . is via a modem" (Aras et al.:

Col 17, Lines 42-43).

Claim 32 is rejected wherein the "step of temporarily storing said navigational log record

includes determining if a scene's navigational log record has already been recorded" (Col 16,

Lines 17-21), "determining if the capacity of said permanent memory device has been

reached, and reallocating, if necessary, an array of stored informative scene identities to

create space for an additional navigational log" (Aras et al.: Col 14, Lines 25-53; Col 17,

Lines 43-56).

Claim 33 is rejected wherein the "step of transmitting the contents of said temporary

memory storage device occurs at a predetermined time" (Aras et al.: Col 16, Lines 46-51).

Claim 34 is rejected wherein the "step of transmitting the contents of said temporary memory storage device includes opening an index and database file in said permanent memory storage device, determining a next available write location in said database file, and means for writing each entry in said navigational log record into said database file" in accordance with the buffering, processing, and storage of database records in the structured data array associated with non-volatile storage (Aras et al.: Col 14, Lines 38-43).

Claim 35 is rejected wherein the system further comprises the "step for recording the latest recorded navigational log record into said database file even when the storage capacity of said permanent memory storage device has been attained". In particular, the reference teaches that once the permanent memory storage device [1711] becomes full, it transmits its contents upstream and deletes the remaining records (Col 17, Lines 1-16 and 47-50). Subsequently, the system continues processing/storing navigation records and is capable of "recording the latest recorded navigational log record" into the newly emptied/created database subsequent to the storage capacity of the permanent storage having been attained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

for unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access

to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).

                                                        Scott Beliveau
                                                        Examiner
                                                        Art Unit 2623

SEB
July 27, 2006